IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 451 of 2005

Between:

Tamarala Rambabu S/o.Late T.Krishna Rao, Fair Price Shop Dealer,
R/o.Pedasrirampuram Village, Kanchili Mandal, Srikakulam District.

..... PETITIONER

AND

1 The Joint Collector, Srikakulam
2 The Revenue Divisional Officer, Tekkali Srikakulam District.
3 The Mandal Revenue Officer, Kanchili Mandal, Kanchili, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the proceedings of the 1st respondent issued in S.R.No.2/2005 S.5 Dt.15.1.2005 and the order of the 2nd respondent issued in Rc.No.40/2005A dated 16.1.2005 as illegal arbitrary and in violative of Principles of natural justice.

Counsel for the Petitioner : MR.K.BHEEMA RAO

Counsel for the Respondents 1 to 3 : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

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ORDER:

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The 2nd respondent passed an order, dated 16.01.2005, suspending the authorization of the petitioner, on the ground that a variation of 7.00 quintals of stock of rice was found, when the shop was inspected by the 3rd respondent on 11.01.2005. Petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Though several contentions were advanced on behalf of the petitioner, this Court is not inclined to deal with the same, at this stage, for the reason that the suspension ordered against the petitioner is a measure pending enquiry. The truth or otherwise of the allegations against the petitioner needs to be considered in that enquiry. The allegation against the petitioner is that there is a difference of 7.00 quintals in the stock as per the stock register and the one on the ground the petitioner is yet to offer her explanation. This Court is of the view that ends of justice would be met if the 2nd respondent is directed to expedite the enquiry against the petitioner.

Hence, the writ petition is disposed of directing that;

a. The 2nd respondent shall issue a show cause notice to the petitioner indicating the allegations against her, within one week from the date of receipt of a copy of this order, if not already issued.

b. The 2nd respondent shall pass appropriate orders in the matter, within three weeks from the date of issuance of show cause notice, duly taking into account, the explanation, if any, that may be offered by

the petitioner.

There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 24-01-2005

Note:

Office to furnish

C.C. in two days.

(B/o)

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To

1 The Joint Collector, Srikakulam
2 The Revenue Divisional Officer, Tekkali Srikakulam District.
3 The Mandal Revenue Officer, Kanchili Mandal, Kanchili, Srikakulam District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad. (OUT)

5 Two C.D. copies.